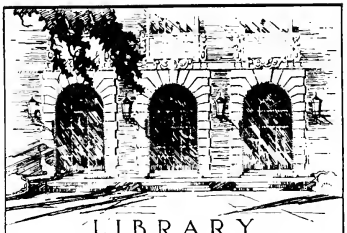

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PRIVATE.]

OBSERVATIONS

ON

"DEFECTS IN REGISTRATION OF VOTERS IN CITIES & BOROUGHS, & THE REMEDY,"

MADE TO THE

Committee

OF THE

METROPOLITAN CONSERVATIVE ALLIANCE

JANUARY 11, 1875.

BY

MR. EDWIN HUGHES,

SOLICITOR AND SECRETARY TO THE CITY OF LONDON CONSERVATIVE REGISTRATION ASSOCIATION.

OBSERVATIONS

ON

"DEFECTS IN REGISTRATION OF VOTERS IN CITIES AND BOROUGHS, AND THE REMEDY."

MR. PRESIDENT AND GENTLEMEN:

I have great pleasure in addressing this representative Meeting of the ten Cities and Boroughs comprised in the Metropolitan Alliance. The Population in 1871 of the ten places was 3,020,871, and the number of Voters in 1873 was 281,877. The usefulness of this Association is apparent when discussing general principles of action, and advising as to the best means of conducting both Registration and Election Campaigns.

1. The first question in connection with Registration, speaking in order of time, is the *preparation* of lists by the overseers. At present those lists are made out in strict alphabetical order by

parishes; while some of the parishes only contain a few names, others contain thousands of names. The question asked by the presiding Officer of the Voter at an Election is: "What is your name and place of qualification?" I suggest that the question should be reversed. "What is your place of qualification and name?" and that the place of residence should be in the first column on the list, the lists being made out in streets, which would give rise to no difficulty in polling, while the advantages would be numerous; for instance, at the present time the Rate Book is in Street order, or what I would more aptly term "Walking Order." This is convenient for the Collector of Rates, and if this order were adopted for the Parliamentary Register it would save the Overseers the enormous labour of converting the Street order of the Rate Book into an alphabetical list. It would also save great waste of time, for Registration Agents have at present to convert the alphabetical lists into Street lists before they can *commence* canvassing, either for Registration or at Elections. The omission of a single house from the Street list would also be immediately noticed and elicit inquiry. Such Street lists could be readily compared with the Rate Books made at the beginning and end of the qualifying year for the purpose of verifying the length of occupation by the Voter. I estimate the labour saved in Street lists would amount to a considerable sum in money each year which would be available for other purposes.

2. I also suggest that all new names should be distinguished in the margin of these lists by an asterisk which would be little trouble to those who prepare the lists, while to the Agents it is a great labour to sift out the new names, and in those cases the qualification is usually inquired into by the Agents.

3. I also advocate that the Overseers should be responsible to examine the list of new claims and lodgers, and should have power to mark "objected" or "dead" in the margin of such lists, as in the case of claims to vote in counties. The special means that Overseers have for acquiring correct information, and their official position, renders them appropriate persons to exercise a check upon these lists, and their marginal remarks being published would save both sides from the necessity of perhaps double objections in those cases, as well as the expense of preliminary inquiries. If it be contended that the Overseers are sometimes partizans and would use this power of marking objected to favour one side, it is surely better to have notice of their intention to object, than to be taken by surprise at the moment of revision.

4. I think it may be possible for the Parliamentary and Municipal Register to become identical, the difference at present being chiefly that the twelve months' occupation requisite in the Parliamentary case ends at a fixed period of the year, while the municipal and parochial twelve months ends at varying periods, and that at present ratepaying Women are only on the municipal list; neither of these differences are insuperable.

5. I am strongly of opinion that the year of qualification should expire on June 24th, instead of on July 31st, the latter being an unusual period for change of premises, and frequently votes are lost because the necessity of claiming for successive occupation is lost sight of. Another advantage would be that the lists could be published earlier than August 1st, say July 1st, and as the time from the 1st of August to the 25th is not sufficient within which to institute inquiries and prepare objections, if my suggestion of

making Midsummer day the end of the qualifying year were adopted at least another month could be added to this interval of time so necessary for Registration purposes. I do not propose to alter any other date now in force on this subject.

6. It has often occurred to me that the effect of the death of the objector between the 25th of August and of the time of the Revision would be most disastrous in its effects if an Election were to take place on the ensuing Register. All the objections, however well founded, would have to be abandoned, and the names of the parties objected to being retained would give an unjust preponderance to the other side. The remedy in this case would appear to be that in such an event it should be competent for some other voter, by giving notice to the Revising Barrister, to elect to stand in the place of the objector so dead, and of such substituted objector the Revising Barrister should be required to give public notice in the same way that he now does of the sittings of the Court; no one would be prejudiced, for the party objected to would care little in what name the objection was pursued.

7. There should also be power for the Barrister to compel attendance of witnesses and the production of documents in cases where he considered it necessary for determining the questions before him.

8. I also think that the statement of the grounds of objection in the Notice of Objection, now the custom in Counties where the objection is to the main Register, should be required in the case of Cities and Boroughs.

9. Another point is that there have been cases where, in consequence of the Rate Book having to be prepared some time

before the rate is made, the name of the true Occupier is not inserted until the second quarter after occupation has commenced. Where the party seeking to prove his claim has actually paid the rate for the first quarter, I think that should be sufficient evidence of rating, although some other name appears on the books; the claimant of course being also required to prove occupation. It may be said that a claim to rate would be the proper remedy in this case, but my suggestion would save the trouble of claiming in so clear a case as this. There is power in the Poor Rate Assessment Act, 1869, to alter the name of the Occupier in the *current* rate, but such alteration only takes effect from the time of the Amendment, and it therefore would not relate back to the commencement of the occupation.

10. One great difficulty in manipulating Registers is the frequency of Duplicates leading to double canvassing and double voting; such duplicates cannot entirely be erased, especially if the Parliamentary and Municipal Register is to be identical, because a person may be fully entitled to vote in two Parishes in the same district for Municipal purposes, while he ought only to exercise one vote for Parliamentary purposes. The remedy I would suggest is that a voter in duplicate may be called upon by notice from the objector to choose upon which qualification he will vote, and in default of his making a choice the Revising Barrister should decide, and mark the name where the vote is not to be recorded by the word "Dup" or Duplicate.

11. As to the Franchises themselves, they require a better definition. The *lodger* franchise is dealt with differently in the City of London to the way it is decided at Greenwich, the latter Barrister insisting that the Landlord must be in occupation of part of the

premises, the former deeming it immaterial; but both expressing doubts about the question. It has even come to the fine point that where the Landlord had (perhaps unintentionally) left a ladder on the premises, he was deemed to have some control, and the vote was retained on account of such accidental circumstance.

12. The *occupation* franchise is also very much confused by the question of "structural severance," which is a *sine quâ non* in every claim for a "house," and as part of a house, if structurally severed, may be called a house, we are driven to define structural severance of *part* of a house, so that a swing door with a bolt is held to be structural severance, but without a fastening it would not be structural severance.

13. Then, again, the question of what is *residence* is too undefined; for instance, a person having an office in Cannon Street, and residing at Brighton, and therefore out of limits, if he had a sofa in his office on which he occasionally slept, or might have slept, would be allowed to have a residence in Cannon Street, but if he had no such slender sleeping accommodation he would lose his vote; and, indeed, as there is no limit to residence in Counties, it is very questionable whether there should be any in Boroughs. If 25 miles is allowed, why not 30, and so on? The Franchise is the occupation and rating, and this should be complete without residence. The repealing of limit of residence would increase the number of Conservative Voters, for it may be presumed that the majority of those who can afford to reside at a distance from their business generally have something to lose. If, however, the limit of residence should not be repealed, at least a Voter living in the Strand should not be restricted to 7 miles, while his neighbour in Fleet Street has the choice of 25 miles. I know many

Freemen in the City of London who are beyond the 25 mile limit, and in their cases the votes not being even in respect of occupation, the limit of residence might well be discontinued, even admitting that there is anything in the principle of limitation at all.

14. Another very unjust practice is in force in the case of appeals from the Barrister's decision; it is, that if the Appellant wins he gets no costs, while if he loses he has to pay both sides; the reason of this is said to be that the party who attends to support the Barrister's decision is performing a duty imposed upon him by the Court below, and he ought not to be the loser if the Barrister is found to be wrong. I am quite of that opinion too, but I think the costs of the Appellant ought to be paid as part of the expenses of the Registration by the proper officer. For instance, in an appeal from Petty Sessions to Quarter Sessions the Appellant has his costs if he wins, and the erring Justices are reimbursed by the County Treasurer.

15. With respect to the power of the Barrister to give costs against the objector, it is now requisite for the person objected to to produce the original notice received by him. It frequently happens that such original has been lost or left at home. I think therefore that the fact of a notice of objection having been given, should for this purpose be sufficiently proved by reference to the objector's notice to the Overseers which is always in Court.

16. Now, a few words as to the Ballot Act. A certain hour is appointed for the nominations to close, and the following hour is devoted to hearing objections; whatever defect may be pointed out during that hour there is no power of amending the nomina-

tion. As the nomination, if not perfect, prevents the Candidate's name appearing on the Ballot paper, I think its importance deserves the privilege of being allowed to amend a nomination paper at the time of the objection being made.

17. In some Boroughs the Returning Officers are without any legal acquirements, and the persons in some cases appointed are not capable of dealing with these questions of law in a proper manner; there is a power of appeal in certain cases, but as such appeal could only be heard after the election, it would be when the mischief had taken full effect.

18. It is the law at present that although the returning officer may recover his expenses in equal shares from the Candidates, he has no statutory power to demand a substantial payment down at the time of nomination; this is a great defect, because men of straw may play at electioneering, and afterwards have nothing to pay with.

19. The remuneration of Returning Officers for personal services is at present illegal; I cannot imagine why he of all persons should render gratuitous service.

20. The various modes of voting are—1st, *Minority Clause Voting*, as in London, Birmingham, &c.; *Cumulative Voting*, as for School Boards; *Plural Voting*, as for Local Boards and Guardians; and *Single Voting*, as for Vestries and Members of Parliament, that is one Vote for each vacancy, except where minority clause is in force. It is no doubt open to much discussion which of these forms is most effective; they cannot all be correct.

21. The instructions issued by the Metropolitan Alliance for Registration purposes are very carefully and skilfully drawn.

There are, however, a few variations which have been found of service, and I should be happy to take another opportunity of producing all my forms and instructions in use, and comparing them with those of other districts.

22. I think the Association would add to the obligations we are under if they also issued Instructions for the conduct of an Election under the Ballot Act.

23. I would suggest that when the Committee have had a full opportunity of discussing the observations I have made—such alterations as appear to require Legislative sanction should be presented in the form of a report to those Members of Parliament who have identified themselves with the proceedings of the Metropolitan Alliance.